

### **REMARKS**

Claims 1, 3-8, and 10-21 are currently pending. Claims 12-21 are withdrawn due to restriction requirement. Claim 8 has been cancelled. Claims 1, 3, and 5 have been amended, in an effort to more clearly define the claimed invention and to provide proper claim dependence. Support for these amendments can be found at, for example, page 3, lines 4-5 of the specification. No new matter has been added. Submitted herewith is a request for continued examination.

#### ***Claim Objections***

Claims 3 and 5 have been objected to because they depend upon cancelled claim 2. Applicant has amended claims 3 and 5 to depend upon claim 1. Accordingly, Applicant respectfully requests withdrawal of this objection.

#### ***35 U.S.C. § 102 Claim Rejections***

Claim 8 has been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,355,546 (hereafter “Scheier”) and U.S. Patent No. 5,970,564 (hereafter “Inns”). Although Applicant does not agree with these rejections, claim 8 has been cancelled in an effort to advance prosecution.

#### ***35 U.S.C. § 103 Claim Rejections***

Claims 1, 3-7, 10 and 11 have been rejected under 35 U.S.C. § 103 as allegedly being obvious over either Inns or Scheier in view of U.S. Publication No. 2004/0025275 (hereafter “Moskovich”). Applicant respectfully traverses this rejection.

The Action alleges that both Inns and Scheier disclose toothbrushes including nylon bristles embedded in elastomeric polyurethane material, but they do not disclose the use of a gel material. The Action, however, states that Moskovich discloses use of a gel material for a similar purpose and that it would have been obvious to use a gel material as disclosed in paragraph [0026] of Moskovich with the disclosure of Inns and Scheier.

Initially, Applicant asserts that one skilled in the art would not be motivated to combine the teachings of Inns and Scheier with the teachings of Moskovich.

Moskovich discloses a toothbrush head in which bristles are supported in both a longitudinal central section and on “shelf like protrusions” (see, for example, Moskovich, paragraph [0006]). Paragraph [0026] of Moskovich, referred to by the Examiner, describes “the elastomer material covering shelf-like protrusions” and says that this elastomer material “could

additionally include, for example, a soft gel material to which the cleaning elements are directly mounted.”

Throughout its disclosure, Moskovich makes clear that the material of the “shelf-like protrusions” is distinguished from the elastomer material with which they are covered. For example, paragraph [0006] states that the shelf-like protrusions are made of a less hard material than the central section and are *covered* by elastomer. Paragraph [0016] states that the shelf-like protrusions are *covered* by elastomer. Paragraph [0017] states that the toothbrush head is made of at least two materials being the harder, conventional toothbrush material of the central section, and the elastomer material which covers the shelf-like protrusions. Paragraph [0019] states that the shelf-like protrusions may be made of hard plastic material integral with the central section and *covered with elastomer*. Paragraph [0022] refers to elastomer on the shelf-like protrusions. Therefore, throughout its disclosure Moskovich teaches that its toothbrush bristles are mounted on the shelf-like protrusions. The material of which these shelf-like protrusions are made appears to be either a hard plastic material integral with the central region, (see paragraph [0019]), or a less hard material than the central section (see paragraph [0006]). But, whatever material the shelf-like protrusions are made of, it is clear from Moskovich, as exemplified above, that the elastomer is present as a *coating* over the shelf-like protrusions, not as the material of which the shelf-like protrusions are made and in which the bristles are embedded. Paragraph [0026] of Moskovich states that the bristles are “held” by the flexible elastomeric material, and this appears from the context to be a holding additional to the mounting of the cleaning elements such as bristles to the shelf-like protrusions previously mentioned in [0005] and other places. Therefore, contrary to Inns or Scheier, Moskovich does not teach mounting bristles in an elastomer material. Moskovich only teaches mounting the bristles in a shelf-like protrusion made of a material other than elastomer, then covering this material with elastomer.

Accordingly, there appears to be no obvious reason why the teachings in Moskovich relating to mounting bristles in a material different to elastomer such as hard plastic, then covering this different material with elastomer material should be relevant to the elastomer material of Inns or Scheier, or the present invention, into which bristles are mounted directly.

Furthermore, even if one were to combine Inns and Scheier with Moskovich, they would not arrived at the claimed invention at least because none of the cited references teach or suggest embedding bristles into a *visco-elastic* polyurethane gel. Although Inns and Scheier disclose use of an elastomeric polyurethane material, as recognized by the Action they do not disclose a gel material. And, even if one were to combine Inns or Scheier with Moskovich, Moskovich only teaches a gel material, *not* a *visco-elastic* polyurethane gel.

The Examiner alleges that the teaching in paragraph [0026] of Moskovich that the elastomer could “additionally include ... a soft gel” makes the presently claimed polyurethane gel obvious. Apart from the fact that Moskovich uses this elastomer material for a different purpose than Inns, Scheier or the present invention, there is nothing in Moskovich to suggest that this inclusion of a soft gel is intended to transform the properties of the coating from an elastomer to a visco-elastic material as in the present invention. Moreover, there is nothing in Moskovich to suggest specifically a polyurethane gel.

Therefore, as explained above, Moskovich uses elastomers for a completely different purpose to Scheier, Inns and the present invention, so there is no reason why the skilled reader would combine Moskovich, Scheier and Inns. Moreover, although Moskovich suggests including a gel in its elastomer material there is nothing in Moskovich to suggest this gel material converts the elastomer to a visco elastic material. Furthermore, Moskovich does not mention or suggest the present polyurethane gels, which the present inventors have found to advantageously bind to nylon toothbrush bristles.

Accordingly, for at least these reasons, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103.

### ***Conclusion***

In view of the foregoing, favorable reconsideration of claims 1, 3-7, 10, and 11 and an indication of allowability of all pending claims is requested respectfully. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,

/Joshua C. Sanders/

Joshua C. Sanders  
Attorney for Applicant  
Registration No. 62,439

GLAXOSMITHKLINE  
Global Patents - UW2220  
P.O. Box 1539  
King of Prussia, PA 19406-0939  
Phone (610) 270-4853  
Fax (610) 270-5090